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CLERK'S OFFICE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Liem Hieu Le
2 713 Caskey St, Bay Point, CA 94565
3 (925) 698-6792
4 Plaintiff in pro per

5 UNITED STATES DISTRICT COURT

6 NORTHERN DISTRICT OF CALIFORNIA

7 Liem Hieu Le

Case NO. 3:08-cv-00727-JL

8 Plaintiff,

9 Opposition to Motion To dismiss, or, In The

10 v.

11 City Of Pittsburg,

12 Alternative, For More Definite Statement

13 Defendant.

14 Date: April 23, 2008, Time: 9:30 a.m.

Location: Courtroom F, 15th Floor

Judge: Magistrate Judge Larson

15 1. Summary of my lawsuit: On the 30th of December 2008, there was a fire at unit 3 of my
16 fourplex located at 415 E. 9th St, in Pittsburg, my insurance only paid for the damages at this unit,
17 and paid nothing for the units 1, 2 and 4, because there was no damages at these units. But Mr
18 K.C Kampton, City Inspector, ordered to vacated all these occupied units without serving any
19 notice of code violation. About one month later, he ordered all my tenants to vacate my other
fourplex located at 430 E. 9th St, without notifying me any notice of code violation. After all these
7 units vacated, he come to inspect them, and gave me two notices of code violation, all items in
these notices were minor defects, and they were not justified the condemnation of these 7 units
as "dangerous buildings".

20 I came to City many times to apply for building permits, but Mr Kampton refused to
issue permits to me, as property owner, as all other property owners have the right to get
them. Therefore I hied a licensed contractor to pull permits and rebuild the fire damaged
unit, and repair these other 7 units. After the final inspection passed for the unit 3 of 415
E 9th St fourplex, inspector refused to release PGE , therefore it was impossible to rent it.
Another City inspector passed the final inspection at 430 E. 9th St, and called PGE to
release PGE service, but about 10 days later, inspector Kampton called PGE to cancel it.
He also sent me an order to demolish 3 units at 415 E. 9th St after he had passed the
upgrade electric system. I filed a petition to City mayor and City attorney to complaint
the discrimination, the abuse of power and the wrong-doings of inspector K.C Kampton.
They did not reply to my request about PGE service at 415 E. 9th, unit 3, and the
cancellation of PGE release at 430 E. 9th St, and other complaints. They just send another
inspector , Mr Curtis Smith, came to inspect these 7 units and he gave me a notice of
violations of over 100 items (the original notice of code violation was only 15 items).

1 This was obviously a retaliation against my petition and complaints. They also sent me a
2 citation of civil penalty of \$3,500 a day against these 7 units. They also threatened my
3 contractor to revoke his state contractor license, therefore he had to cancel permits and
4 stop working, and threatened other contractors by telling that there was a mechanic's lien
5 against these properties. It wasn't true. There was no mechanic's lien against these
6 fourplexes. They did the same thing against my third fourplex located at 1160 York St. A
7 City inspector had passed a yearly inspection, but inspector Kampton said it wasn't
8 passed and charged me \$2,000 a day, and threatened my contractors about mechanic's
9 lien when they came to apply for permits to fix a few of minor defects at this property. It
10 was a lie, because there's no mechanic's lien against this property.

11 The lenders already foreclosed two fourplexes at 415 E. 9th St and 430 E. 9th St.

12 2. I did contest the motion to dismiss and specify the causes of action of this lawsuit
concerning my three properties in Pittsburg in my last "Reply To Motion" of defendant. I
also specify the damages I claimed.

13 3. On April 9, 2008, defendant filed "Supplement Brief In Support Of City Of Pittsburg'S
Motion" stating "the bankruptcy trustee is the real party in interest to any such claims,
and has the exclusive right to bring an action based upon these claims". I talked with my
bankruptcy lawyer and his answer is " you filed chapter 11, Debter in Possession, and
you have your right to bring lawsuit on behalf of estate. There is no trustee
Appointment".

14 All claims of defendant to support The Motion To Dismiss (I fails to allege a legitimate
cause of action, and the damages or the bankruptcy estate) are not true and correct . I
respectfully request this Court dismiss defendant's Motion To Dismiss Or For More
Definite Statement.

15 Dated: April 14, 2008

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18 Liem Hieu Le, plaintiff.

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Le v. City of Pittsburg

6 U.S. District Court, Northern District of California Case No. CV 08-0727-JL
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9 **PROOF OF SERVICE**

10 I am resident in the County of Contra Costa, State of California. I am over the age of 18
11 years, and not a party to the within action. My residence address is 713 Caskey St, Bay
12 Point, CA 94565

13 On April 15, 2008, I served the within Opposition To Motion To Dismiss, or, In The
14 Alternative, For More Definite Statement, by placing a true copy thereof enclosed in a
sealed envelope with postage thereon fully prepaid, in the U.S Post Office at Bay Point,
California, addressed as follows:

15 Sean C. Conley , Esq, Gibbons & Conley
16 1333 N. California Blvd, Suite 110
Walnut Creek, CA 94596

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed on April 15, 2008 at Bay Point, California,

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